



Village of
Glenwillow

Honoring the Past - Welcoming the Future

Council Meeting – Council Chambers

March 5, 2014 – 7:30 pm

Mayor Mark A Cegelka presiding

The Mayor, Mark A Cegelka called the meeting to order at 7:30 p.m. and all present said the Pledge of Allegiance.

Present: Jeff Adie, Don Banas, Eric Johnson, Gurvis Smith, Larry Sylver

Motion by Don Banas, seconded by Eric Johnson to excuse Councilman Baca from tonight's meeting.

**Roll Call: Yeas—Adie, Banas, Johnson, Smith, Sylver
Nays—None**

**5 yeas – 0 nays
Motion carried**

Others Present: Law Director Dave Matty, Building Commissioner Mike Skvasik,
Service Director Sam Scaffide, Police Chief Robert Hagquist,
Clerk of Council Lori Pepera

APPROVAL OF MINUTES

The minutes of the Regular Council Meeting of February 19, 2014, were approved as presented.
(Banas/Sylver)

Roll Call: Yeas – Adie, Banas, Johnson, Smith, Sylver
Nays – None

5 yeas – 0 nays
Motion carried

PAY ORDINANCE

2014-3-22

The Pay Ordinance was approved as presented (Johnson/Smith)

Roll Call: Yeas – Adie, Banas, Johnson, Smith, Sylver
Nays – None

5 yeas – 0 nays
Motion carried

CORRESPONDENCE & MAYOR'S REPORT:

The following were attached in the Mayor's packet:

- A copy of the Mayor's Court Report for the month of February 2014.
- A copy of the Building Department Report for the month of February 2014.
- A copy of the monthly activities report dated February 2014 that *Mayor Cegelka* received from *Sam Scaffide*, Service Director.
- A copy of the report supplied by *Chief Hagquist*, reporting streetlight outages to Solon FirstEnergy Service Center.
- A copy of the monthly activities report dated February 28, 2014 that *Mayor Cegelka* received from *the Building Department*.
- A copy the Building Department status report for February 2014 to *Mayor Cegelka* submitted by *Mike Skvasik* showing the following up-dated information;
Foreclosures and Rentals dated February 2014
- A copy of a check in the amount of \$3,914.78 received from Republic Services, for the month of January 2014.
- A copy of a check in the amount of \$13.74 received from the River Valley Paper Co. for the recycling of paper for the month of January 2014.
- A copy of an invoice in the amount of \$56.28 for the months of July through December 2013, for the Valley Senior Transportation Consortium, from *Jill Frankel*, with the City of Solon, Department of Senior Services. FYI-Attached is a copy of an invoice in the amount of \$1,268.19 paid March 13, 2013, to the City of Solon Department of Senior Services, as a reference to what was paid last year.
- A copy of a check in the amount of \$1,670.00 received from Nationwide Insurance Company, for the reimbursement of the damage to a light pole in the Village Hall parking lot.
- Copies of FYI that was presented to the Safety/Service committee on February 19, 2014, by *Sam Scaffide*, Service Director.
Date of Report February 24, 2014
- A copy of the Proposed Agreement for Job Creation Tax Credit (JCTC) Tax Incentives with Stride Tool, Inc. Shown are the projected years of 2014 to 2023.
- A copy of a letter *Mayor Cegelka* received from *Jeffrey H. Horvath*, P.E. with the Cuyahoga County Department of Public Works, with a list of bridges in our municipality that the County is required to inspect.



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- A copy of the Ohio Public Law Update, for February 2014, supplied by Squire and Sanders.
- A copy of the Legislative Report for February 27, 2014, supplied by Squire and Sanders to the Cuyahoga County Mayors and City Managers Association.
- A copy of the Ohio Municipal League Legislative Bulletin dated February 21, 2014.
- A copy of a letter dated February 21, 2014, *Mayor Cegelka* received from the Time Warner Cable Company announcing they plan to merge with Comcast Corporation.
- A copy of an article that appeared in the Crain's Cleveland Business Magazine Monday, February 24, 2014, reporting "Women's retailer Dots" could be liquidated by Boston based firm.
- A copy of a letter dated February 27, 2014, *Mayor Cegelka* received from *Jodi Taylor*, Chief Human Resources Officer with Dots, LLC, reporting the company filed for relief under chapter 11 of the United States Bankruptcy Code January 20, 2014.
- A copy of an article that appeared in the Crain's Cleveland Business Magazine Monday, March 3, 2014, in reference to "Grand plans give way to sad ending at Dots" Women's retailer will be liquidated; 'devastated' workers will lose their jobs.
- A copy of an article dated Wednesday, March 5, 2014, by *Janet H. Cho*, with the Cleveland Plain Dealer, in reference to Dots begins liquidating, will shutter HQ. "*Mayor Cegelka* noted in the article that Dots provides a major source of income tax revenue to the Village and to the Solon City School District".
- A list of the Graduating Seniors who are eligible to receive scholarships for 2014. Also attached is the letter and application that will be sent to each Graduating Senior.
- Mayor Cegelka reported that the Law Director is looking into the proper procedures that are necessary to obtain 10 acres of property located at the end of Bond Street through the Cuyahoga County Land Bank. There is a forfeiture sale scheduled this month for the property. The hope is to get the forfeiture sale postponed for a month to look into any environmental concerns with the property and to pass any other legislation necessary to properly have a Land Bank Program in the Village.
- Mayor Cegelka reported the Village has been approached by FirstEnergy for the use of Village owned property to gain access to their transmission lines. There is one, possibly two private property owners they would need access from also; the Martin property and the Caron property. FirstEnergy will be sending notices to the affected property owners. The Law Director and Engineer had a meeting with representatives from FirstEnergy and with their attorney. FirstEnergy is requesting a limited 15 to 18 month right of access, that will requires the clearing of some trees for the Transmission Line Project which they project to start in January of 2015. What FirstEnergy is proposing to the Village is if the terms of an agreement can be met, tree clearing would begin this month. If an agreement cannot be met clearing cannot start until the end of the year due to bat breeding. If the Village and FirstEnergy can come to an agreement, the private property owners access

agreements will be attached along with the Village's access agreement. Councilman Banas questioned the extent of the trees being removed and if restoration will be part of the agreement. The Law Director responded that restoration will be part of the agreement.

- Mayor Cegelka announced there is a Home Owners Association Meeting for the Tinkers Creek subdivision Saturday, March 8, 2014 at 9:00 a.m. at Stratford Commons.
- Mayor Cegelka reported that the Village is working with the Railroad to possibly offer another train ride from Glenwillow to Kent, as we did in 2013. The possible date for this would be July 5, 2014. He will be in contact with Mr. Parsons from Wheeling and Lake Erie Railway Co. to discuss further.
- Mayor Cegelka reported more information will be given at the next Council Meeting regarding the landscaping the Village is doing in conjunction with the Village of Oakwood for the roundabout, as well as the four corners of Richmond and Pettibone.
- Mayor Cegelka congratulated Daryl Schultz and his wife on the birth of their third daughter.
- Mayor Cegelka reported the passing of developer Bill Whitlatch. Services for him will be held in Worthington, OH.
- Mayor Cegelka announced Finance Director John Veres is out of town. John will have a Budget Amendment at the next Council Meeting.
- Mayor Cegelka welcomed the new Law Director Dave Matty.

LAW DIRECTOR DAVE MATTY:

- Law Director Dave Matty reported 24 of the 39 boxes of legal files have been removed from the law office of former Law Director Steve Klonowski, and will be transferred to Dave's law offices downtown.
- At the next Council Meeting, Dave will appoint Ross Cirincione as Prosecutor of the Village of Glenwillow by Ordinance until the end of 2014.
- There are two litigation items:
 - There was a 3rd party complaint filed against the Village in the Law Suit between CEI and Fortuna Construction over damage to underground electrical lines. The complaint has been filed in Common Pleas Court before Judge Lance Mason. Fortuna has named the Village as a 3rd party as being partially responsible for the damage. The Law Director will work with the Village Insurance Attorney Mr. Climer and will keep you informed on the situation.

- Former Law Director Steve Klonowski received a letter in November 2013 involving the lawsuit with NEORSD from Gregory O'Brien from the Law Firm Taft Stettinius. Taft was requesting from the Village, along with 10 other communities, \$7,500.00 to become a member of the defense group for the Court of Appeals and the Supreme Court. The Court of Appeals matter is over and finished, but the Supreme Court matter is continuing. The Law Director is asking Council to advise him if; 1) they would like the Village to become part of the defense group, 2) be a member of the defense group at a rate lower than \$7,500.00, 3) not hire Taft, but hire Dave Matty at an agreed amount, or 4) not participate at all. The Law Director has asked Council to contemplate their decision tonight or by the next Council Meeting.
- Mayor Cegelka reported there are 12 homes on Richmond Road that tie into the Oakwood pump station affected by the NEORSD law suit. The rest of the Village uses the City of Bedford Heights Treatment Plant.
- The Law Director gave a brief history on the NEORSD law suit. The Supreme Court has decided to hear the appeal. NEORSD will present their brief to the Supreme Court. The joint communities along with the commercial property owners of this region will present their brief also. Sometime this summer the case will be argued by the Supreme Court and a decision should be made by late fall. This case started in 2009. The Court of Appeals has decided NEORSD'S program is contrary to law. The NEORSD'S proposed charges varied on the size of the home, size of the roof structure and size of permeable surface.

POLICE CHIEF ROBERT HAGQUIST:

- Police Chief Robert Hagquist reported the new SUV police vehicle has been delivered. Once all the equipment is installed, the vehicle will be in service.
- The Bobcat ATV 4 x 4 has been ordered with an expected delivery of 60-90 days.
- The Two AR 15 replacement rifles have also been ordered.

BUILDING COMMISSIONER MIKE SKVASIK:

- Building Commissioner Mike Skvasik announced there will be an Architectural Review Board Meeting at 5:30 p.m. and a Planning commission Meeting at 6:30 p.m. on Wednesday, March 12, 2014.

SERVICE DIRECTOR SAM SCAFFIDE:

- Service Director Sam Scaffide reported on the following items:
 - There will be another Tree Planting Program taking place this spring as we did in the fall of 2013. The targeted areas for tree planting are Austin Powder Drive and Cochran Road. The trees that were removed from the Donald N. Payne Recreation Complex will be replaced with oak trees.
 - The Service Department will be ordering flowers from the same nursery as last year, Rock Valley Farms. The nursery has held the prices the same as last year. Last year, approximately \$1,800.00 was spent on flowers. This year Sam is estimating on spending \$2,100.00. The increase is due to decorating the Austin Powder bridge.
 - Sam is waiting on a response from Republic Waste regarding the Free Mulch Program.
 - A new pick-up truck for the Service Department was discussed at the Safety/Service Meeting held on February 19, 2014. Through the State Purchasing Program the approximate cost will be \$40,000. 00 for a 2015 vehicle. Sam has requested a proposal for the 2015 vehicle and would like the Law Director to prepare legislation for the April 2, 2014 Council Meeting to purchase.
 - Legacy Electric will be replacing the damaged light pole in the Village Hall parking lot.
 - Sam reported on the salt shortage. Sam ordered 300 tons of salt on February 5th and has received approximately 80 tons since then.
 - Discussed at the Safety/Service Meeting held on February 19, 2014 was also the possibility of putting up an umbrella salt storage building and working with the Engineer on a site plan as to where it could be placed on the DLK property. Also the possibility of purchasing a front end loader to load the salt was discussed.
 - The estimated cost for the demolition of the DLK Building and the small house is \$35,000.00 to \$39,000.00.

NEW BUSINESS:

<p>2014-3-4</p> <p>Resolution</p>	<p>A Resolution accepting the proposal of United Survey, Inc. for the Glenwillow Sanitary Sewer Obstruction Investigation Project and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> • Motion to suspend 3 reading rule (Johnson/Banas) Roll Call: Yeas—Adie, Banas, Johnson, Smith, Sylver Nays—None 5 yeas – 0 nays Motion carried • Motion to approve (Sylver/Smith) Roll Call: Yeas— Adie, Banas, Johnson, Smith, Sylver Nays—None 5 yeas – 0 nays Resolution carried
<p>2014-3-5</p> <p>Resolution</p>	<p>A Resolution authorizing the Village Engineer to prepare plans and specifications for the 2014 Asphalt Pavement Repair Program and the 2014 Concrete Repair Program and to advertise for bids for said programs and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> • Motion to suspend 3 reading rule (Smith/Adie) Roll Call: Yeas— Adie, Banas, Johnson, Smith, Sylver Nays—None 5 yeas – 0 nays Motion carried • Motion to approve (Johnson/Banas) Roll Call: Yeas— Adie, Banas, Johnson, Smith, Sylver Nays—None 5 yeas – 0 nays Resolution carried

2014-3-23	<p>An Ordinance approving the editing and inclusion of certain Ordinances as parts of the various component codes of the Codified Ordinances of Glenwillow, Ohio and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> <p>Motion to suspend 3 reading rule (Sylver/Banas) Roll Call: Yeas— Adie, Banas, Johnson, Smith, Sylver Nays—None 5 yeas – 0 nays Motion carried</p> <p>Motion to approve. (Adie/Sylver) Roll Call: Yeas— Adie, Banas, Johnson, Smith, Sylver Nays—None 5 yeas – 0 nays Ordinance carried</p>
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Motion by Gurvis Smith, seconded by Jeff Adie to seek proposals for entranceway signs throughout various locations in the Village.

**Roll Call: Yeas—Adie, Banas, Johnson, Smith, Sylver
Nays—None**

**5 yeas – 0 nays
Motion carried**

Mayor Cegelka reported Terry Tung will be here March 19, 2014 at 7:00 p.m. to take a new picture of Council to include new Law Director Dave Matty.

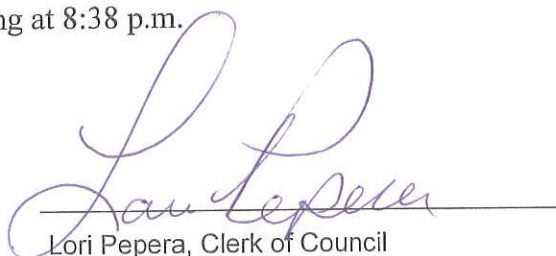
Councilman Sylver asked Chief Hagquist if the new LED No Truck Zone signs have helped reduce the amount of tractor trailer traffic on Pettibone Road. Chief Hagquist responded the amount of citations given for No Truck Zone has decreased.

There being no further business to come before Council, motion by Jeff Adie, seconded by Gurvis Smith to adjourn the meeting. Vote on the motion to adjourn was all yeas and no nays.

Mayor Mark A. Cegelka adjourned the meeting at 8:38 p.m.



Mark A. Cegelka – Mayor & President of Council



Lori Pepera, Clerk of Council